

REMARKS

Reconsideration of this application in light of the present amendment and remarks is respectfully requested.

Claims 1-3, 5, 11, 12, 15, 16, 18, 22, 23 and 25-27 have been rejected.

Claims 4, 6-10, 13, 14, 17, 19-22 and 24 were previously canceled.

Claims 1-3, 5, 11, 12, 15, 16, 18, 23 and 25-27 are pending in this application.

35 U.S.C. §103(a)

Claims 1-3, 5, 11, 12, 15, 16, 18, 22, 23 and 25-27 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Amin (EP 0888025) in view of Mashinsky (US Publ. 2006/0160543). This rejection is respectfully traversed.

Independent claim 1 recites that the resource controller is operable to allocate a first radio resource resulting in a first quality of service if the operator corresponds to a cellular communication system operator and a second radio resource resulting in a different quality of service if the operator identity corresponds to a Mobile Virtual Network Operator.

The Examiner objects to the claims as being obvious in view of the cited references. Applicant respectfully disagrees. In general, the combination of these two references do not teach or suggest providing different quality of service to a mobile station depending upon an operator identity. It is respectfully submitted that these references simply illustrate a consequence of a mobile station accessing different communication networks, and not a *resource controller* varying a *quality of service* in response to an *operator identity*, as recited in claim 1. Indeed, quality of service is not a factor in these references, whereas applicant's invention uses quality of service as a determining factor in the solution provided. Specifically, in the cited references, the same processes and procedures are used for call management and resource allocation for the cellular network operator and the MVNO and that any differentiation is provided by marketing, branding, sales channel, distribution etc.

An objective problem solved by the current invention is how to allow an improved differentiation between network operators and MVNOs. The current invention solves this problem by allowing a resource allocator in a (single) cellular communication system to provide different quality of service to network operators and MVNOs by allocating resource in response to operator identities. Thus, the current invention allows the same service (e.g. a voice service) to be provided with different quality of service levels for the network operator and MVNOs of the cellular communication system. The cited art does not disclose or suggest this differentiation. Indeed, the cited art does not distinguish and service differentiation between

network operators and MVNOs. Therefore, the cited art could not recognize the problem nor provide applicant's novel solution that provide such differentiation.

In particular, EP 0 888 025 discloses a system wherein different services may be provided to mobile stations having different service providers, but not in regards to either quality of service or operator identity. In this system, an MSC is partitioned to provide different services to mobile stations (column 4 lines 45 to 47). The MSC comprises a partition table which associates the Mobile Identity Number (MIN) with different service providers. In particular, mobile stations having a MIN belonging to a first service provider are directed to a first HLR and mobile stations having an MIN belonging to a second service provider are directed to a second HLR. (Column 5 lines 1 to 31). The system allows each service provider to independently maintain subscriber profiles for its own subscribers (Column 6 line 2 to line 5). Telecommunication services may be provided in accordance with the subscriber profile information which is stored in HLR of the corresponding service provider.

However, it is respectfully submitted, that even if the described system provides different services for different service providers, it does not describe setting a resource to provide different *quality of service* for different operators in response to an *operator identity*. Hence, the present invention allows for the same service to be provided with different quality of service parameters by adjusting the allocated resource in response to an operator identity. Furthermore, this reference clearly does not disclose setting a resource corresponding to first quality of service parameter for a service provider identity corresponding to an operator of the cellular communication system and to a different quality of service parameter for a service provider identity corresponding to an operator of the cellular communication system and to a different quality of service if the network operator is a mobile virtual network operator. Indeed, this reference merely discloses provision of different services for different service providers. It is respectfully submitted that the technical problems and characteristics associated with integrating MVNOs and network operators are substantially different than for providing different services for different service providers. In particular, an MVNO does not operate or control the operation of the network but leaves this to the network operator. Specifically, an MVNO does not operate an independent HLR as required by the system of this reference, and therefore this system cannot be used to provide the different quality of service levels in response to an operator identity corresponding to a network operator or an MVNO.

It is thus respectfully submitted that EP 0 888 025 fails to disclose or suggest a resource controller allocating a first radio resource resulting in a first quality of service if the operator corresponds to a cellular communication system operator and a second radio resource resulting in different quality of service if the operator identify corresponds to a mobile virtual network

operator. It thus respectfully submitted that this reference does not provide the solution to the problem to the objective problem.

Mashinsky (para. [0038]-[0040]) discloses an arrangement for dynamic account allocation wherein spectrum network availability is pulled together from different service providers in a central data base. However, it is submitted that this reference clearly fails to disclose a resource allocator which allocates resource resulting in different quality of service in response to an operator identity and in particular fails to disclose a resource controller allocating a first a resource controller allocating a first radio resource resulting in a first quality of service if the operator corresponds to a cellular communication system operator and a second radio resource resulting in different quality of service if the operator identify corresponds to a mobile virtual network operator. It thus respectfully submitted that this reference does not disclose a solution to the objective problem.

Neither reference teaches the elements of an operator identity nor quality of service. Therefore, the combination of references could not have envisioned providing a quality of service differentiator, or providing a quality of service differentiator depending upon operator identity. It is thus respectfully submitted that the cited art fails to disclose, hint or suggest any teaching solving the objective problem and that the claims herewith filed are patentable and non-obvious over the prior art.

In conclusion, it is submitted that all of the Examiner's objection set forth in the communication have been addressed, and that this application now satisfies the requirements of novelty and inventive step over the cited art. Further consideration of the application is requested.

Claims 2-24 are dependent upon amended claim 1, and are therefore deemed novel and inventive as well in view of that dependency.

Independent claim 25 includes all of the recitations of amended claim 1. Therefore, applicant respectfully submits that amended claim 25 is patentable and non-obvious as well for the same reasons.

Claims 26 and 27 are dependent upon amended claim 25, and are therefore deemed novel and inventive as well in view of that dependency.

Accordingly, applicant respectfully requests that this rejection be withdrawn.

The other references of record have been reviewed and applicant's invention is deemed patentably distinct and nonobvious over each taken alone or in combination.

For the foregoing reasons, applicants respectfully request that the above rejections be withdrawn.

Inasmuch as this amendment distinguishes all of the applicants' claims over the prior art references, for the many reasons indicated above, passing of this case is now believed to be in order. A Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection or through an Examiner's amendment.

Authorization is hereby given to charge any fees necessitated by actions taken herein to Deposit Account 50-2117.

Respectfully submitted,
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